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Follow-up to the Fourth World Conference on Women and to the special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century": implementation of strategic objectives and action in the critical areas of concern and further action and initiatives: women's equal participation in conflict prevention, management and conflict resolution and in post-conflict peace-building

Statement submitted by Colombian Commission of Jurists, a non-governmental organization in special consultative status with the Economic and Social Council

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31 of 25 July 1996.

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Participation of women in peace-building in Colombia

Overview: situation of human rights and humanitarian law

The human rights and humanitarian law situation in Colombia continued to deteriorate during 2003. The present Government's policy of "democratic security" disregards international human rights law and humanitarian law, and amounts to no more than a limited and arbitrary concept of security. It aims completely to erode the distinction between society and the State by, denying the right to opposition and social dissent and increasing persecution of the political opposition. As a result, leaders of dissident political groups have been detained without justification.

The Colombian Government's actions, which are set in the framework of what has been termed the "war on terror", violate human rights and contravene General Assembly resolution 57/219 of 18 December 2002, which provides that States must ensure that any measures taken to combat terrorism are in keeping with their international obligations. This is the case of the statute that grants judicial powers to the military forces, allowing them to carry out raids, intercept telephone calls and make arrests without any prior judicial order. This is a serious violation of the rights to personal freedom and to privacy, among others.

In the case of the guerrilla groups, the Government seeks a solution through military force rather than political negotiation, and has opted to reach a peace agreement with the paramilitaries. To this end, it has promoted, among other measures, an alternative penalties bill, which would guarantee the paramilitary groups impunity for crimes against humanity and war crimes, while disregarding the principles of truth, justice and compensation for victims.

Other legislative initiatives put forward by the Government pursuant to its policy of democratic security contravene the constitutional provisions of a social State under the rule of law and, paradoxically, endanger the security of the Colombian people. The national security bill, which establishes new modalities for involving civil society in national security and defence, and the proposal to limit *amparo proceedings* and the powers of the Constitutional Court, to eliminate its power to review a state of emergency and to restrict autonomy in the administration of the judiciary, seriously affect autonomy and independence.

The effects of these reforms on civil life impact differently on women. Not only do they seriously violate their rights, but in placing new burdens on them they also represent an obstacle to women's participation at all levels of the State and society. For example, the compulsory military service bill is especially serious for women because it will allow them to be called up "when the country's circumstances so require it and when the national Government deems it necessary", which in the current circumstances means that the service would change from being voluntary to being obligatory. Women's and human rights organizations have expressed their opposition to this bill.

In addition to the critical situation of women's lives in terms of economic, social and cultural rights, the gender-motivated discrimination that many of them suffer and the severe consequences of the armed conflict in the country, it is necessary to take into account the Government's actions, aimed at involving them in the war. These actions explicitly contradict the many specific recommendations made to the State by various international organizations, to the effect that it should

take positive measures to eradicate violence against women, to ensure their participation and to minimize the impact of the armed conflict on their rights.

In this regard, Security Council resolution 1325 (2000) makes a special appeal to parties to armed conflict to respect fully the rights of women and girls, to guarantee their special protection and to take measures to protect them from gender-based violence, in particular.

Challenges and obstacles to the participation of women in peace-building

At present, women face violence, discrimination, poverty and exclusion, and this reflects an alarming step backwards in the little progress made. Women are harder and more cruelly hit by war than men, as they are the main victims of forced displacement, sexual violence and, increasingly, forced recruitment by armed groups. In this context it is clear that the search for peace in Colombia presents serious obstacles, especially for women.

Firstly, threats and attacks on the right to life by the various combatants force women to move, for the most part, away from the rural areas, where they are conducting productive projects that empower other women and strengthen society, which causes a disruption of organizational processes. An illustration of this situation is the case of the Asociación Nacional de Mujeres Campesinas e Indígenas de Colombia (ANMUCIC). The organization has had to suspend its work in some departments, as several association members have been victims of serious violations of their human rights, which places the organization in imminent danger of disappearing. The national president recently had to leave the country due to threats made against her and her family.

Another obstacle is that violations of women's rights go unpunished. In most cases, sexual violence never comes to light because the authorities do not investigate events. In the case of El Salado (Bolívar), for example, where paramilitary groups carried out a massacre from 16 to 19 February 2000, women were victims of barbaric acts of sexual abuse and were then murdered. The acts of the perpetrators of the massacre remain unpunished today.

Thirdly, the ideas and considerations of women's groups have not as yet been taken into account in any of the peace processes. The women's movement in Colombia has said "no to war" and has grown nationwide into a different alternative for overcoming the armed conflict. Several peace initiatives have gained momentum and clearly show the role played by Colombian women in peace-building today.

Conclusion

The removal of human rights violations from the reality of life in Colombia must begin with a recognition, by the Government, the international community and society in general, of the gravity of the situation and its causes. The Government must be called on to clarify events. The truth about the magnitude and severity of human rights violations must be established through investigation and prosecution by judicial authorities of the State. Democracy must be built on the foundations of justice.

Any talks undertaken with the guerrillas and paramilitary groups must respect the victims' rights to truth, justice and compensation, especially in cases of serious violations of women's human rights.

The inclusion of a gender perspective in the State's policies and the establishment of conditions to allow for women's participation in peace initiatives and decisions of national interest are vital to ensure that women's opinions, needs and proposals are taken into account by the State when taking action to deal with the armed conflict and to carry out a peace process with the armed elements.

It is very important that the State undertake initiatives and programmes to guarantee the security of social and human rights leaders in the country, and that it take action aimed at improving the living conditions of women and their families, in terms of economic, social and cultural rights. Until these conditions are set in place, it will be very difficult to speak of overcoming the armed conflict and of working together to build a genuine peace.